

Title 1: Secretary of State

Part 10: Elections – Voting and HAVA Compliance

Part 10 Chapter 1: State Plan for Compliance with HAVA

Rule 1.1 Help America Vote Act State Plan. This is a required state plan document that includes a description of the state's plans for meeting federal requirements under the Help America Vote Act of 2002. This state plan document is available on the Secretary of State's website at www.sos.ms.gov.

Source: Miss. Code Ann. §23-15-169.5 (1972); P.L. 107-252 (2002).

Part 10 Chapter 2: HAVA Complaint Procedure

Rule 2.1 Definitions. In this chapter, the following terms have the following meanings:

- A. "Complainant" means the person who files a complaint with the Secretary of State pursuant to sections IV, V, and VI of this rule.
- B. "Respondent" means any state or local election official or board against whom a complaint is filed pursuant to sections IV, V and VI of this rule.
- C. "Title III" means Title III of HAVA, Public Law 107-252, 42 U.S.C. §15481-15485.
- D. "State or local election official" means the Secretary of State, the State Board of Election Commissioners, a circuit or municipal clerk, a county or municipal election commissioner or election commission, the state or local political party executive committee or executive committee member, a poll manager or any employee, officer, agent or appointee thereof.

Source: Miss. Code Ann. §23-15-169 (1972); P.L. 107-252 (2002).

Rule 2.2 Who May File. Any person who believes that a violation of Title III of HAVA has occurred, is occurring or is about to occur may file a complaint.

Source: Source: Miss. Code Ann. §23-15-169 (1972); P.L. 107-252 (2002).

Rule 2.3 Form of Complaint. A complaint filed shall be in writing and notarized, signed and sworn to by the Complainant. The complaint must also provide the name of each respondent and contain a concise statement of the facts alleged to violate Title III of HAVA.

The Complainant must use the form prescribed by the Secretary of State or his designee, which is available from the Secretary of State's Office or from any state or local political party executive committee, local election commission or circuit or municipal clerk, or which may be downloaded from the Secretary of State's website at www.sos.ms.gov.

Source: Miss. Code Ann. §23-15-169 (1972); P.L. 107-252 (2002).

Rule 2.4 Place, Time and Method for Filing; Copy for Respondent. A complaint shall be filed with the Secretary of State's Office, Elections Division, 401 Mississippi Street, Jackson, Mississippi 39201.

A complaint shall be filed within 30 days after the occurrence of the actions or events forming the basis of the complaint or after the complainant knew, or with the exercise of reasonable diligence, should have known of the action or event forming the basis for the complaint. The deadline for filing any complaint may be extended an additional 30 days in the discretion of the Secretary of State or his designee upon presentation of evidence by the Complainant that the Respondent concealed the actions or events forming the basis of the complaint.

The complaint shall be delivered to the Secretary of State's Office by hand-delivery or by overnight service to 401 Mississippi Street, Jackson, Mississippi 39201, or by mail to Post Office Box 136, Jackson, Mississippi 39205. A complaint shall be deemed filed upon receipt by the Secretary of State's Office and not upon mailing or postmark.

For filing to be deemed complete, the Complainant shall mail or deliver a copy of the complaint to each Respondent not later than the date on which the complaint is filed and submit proof of such delivery to the Secretary of State.

Source: Source: Miss. Code Ann. §23-15-169 (1972); P.L. 107-252 (2002).

Rule 2.5 Processing of Complaint. The Secretary of State or his designee may consolidate complaints if they relate to the same actions or events, or if they raise common questions of law or fact. The Secretary of State or his designee shall notify all interested parties if two or more complaints have been consolidated.

The Secretary of State or his designee shall compile and maintain an official record in connection with each complaint filed pursuant to this rule. The official record shall contain:

1. A copy of the complaint, including any amendments made to it with the permission of the Secretary of State or his designee;
2. A copy of any written submission by the Complainant;
3. A copy of any written response by the Respondent or other interested person;
4. A written report of any inquiry conducted by employees of the Secretary of State's Office or of any other state or local election officials who may not be directly involved in the actions or events complained of and may not directly supervise or be directly supervised by any Respondent;
5. Copies of all notices and correspondence to or from the Secretary of State or his designee in connection with the handling of the complaint;
6. Originals or copies of any tangible evidence produced at any hearing conducted under this rule;
7. The original tape recording produced at any hearing conducted under this rule; and
8. A copy of any final determination made under this rule.

The Secretary of State or his designee will review each complaint filed to determine whether the complaint: (a) states a violation of Title III of HAVA; and (b) complies with the other requirements of this rule.

If a complaint fails to state a violation of Title III of HAVA or does not comply with other requirements of this rule, then the Secretary of State or his designee shall dismiss the complaint without further action and notice of the dismissal will be provided to the complainant.

Except as otherwise provided in this rule, a complainant whose complaint has been dismissed pursuant to this section may re-file the complaint within the time set forth in Rule 2.4.

A complainant whose complaint has been dismissed for failure to state a violation of Title III of HAVA may re-file the complaint only one time.

The Secretary of State or his designee may, upon agreement of all the parties, resolve the complaint informally, and issue a final determination, without a formal proceeding.

The Secretary of State or his designee may require the parties to submit written briefs on any of the issues involved in the complaint.

Source: Source: Miss. Code Ann. §23-15-169 (1972); P.L. 107-252 (2002).

Rule 2.6 Hearing. If requested by the Complainant in his complaint or so ordered by the Secretary of State or his designee, and the complaint has not been dismissed or informally resolved pursuant to Rule 2.5, the Secretary of State or his designee will schedule a hearing that shall proceed as follows:

- A. The hearing may be conducted without adherence to requirements of the Mississippi Rules of Civil Procedure or the Mississippi Rules of Evidence.
- B. The hearing shall be conducted no sooner than 10 days and no later than 30 days after receipt by the Secretary of State's Office of a complaint containing a request for a hearing and shall be set by the Secretary of State or his designee. The Secretary of State or his designee shall give at least 5 days' advance notice of the date, time and place of the hearing:
 - i. By mail to the Complainant, each Respondent (to the addresses set out in the complaint and response) and any other interested person who has asked the Secretary of State in writing to be advised of the hearing;
 - ii. On the Secretary of State's website (www.sos.ms.gov); and
 - iii. By posting in a prominent place, available to the general public, at the Secretary of State's Office.
- C. The Secretary of State or his designee shall act as hearing officer.
- D. The Complainant, any Respondent or any other interested member of the public may appear at the hearing and testify under oath or present relevant evidence in connection with the complaint. The hearing officer may limit the testimony, if necessary, to ensure that all interested persons are able to present their views. The hearing officer may recess the hearing and reconvene at a later date, time and place publicly announced at the hearing. In the case of consolidated complaints, the hearing officer may require the

Complainants and/or Respondents to designate a single representative party to advocate for the consolidated group of Complainants and/or Respondents at the hearing.

- E. In the discretion of the hearing officer, the hearing may be held via conference telephone call or video teleconferencing. In such a case, the notice shall so state and provide for technical details.
- F. The proceedings shall be tape recorded by and at the expense of the Secretary of State. The recording shall not be transcribed as a matter of course and any party of interested person may obtain a copy of the tape at its own expense. If a transcript is obtained, a copy of it shall be filed as part of the record and any interested party may examine it.
- G. If the Complainant fails to appear at the hearing, the complaint shall be dismissed with prejudice.
- H. Cross-examination at the hearing will be permitted only at the discretion of the hearing officer, but a person may testify or present evidence at the hearing to contradict any other testimony or evidence presented at the hearing. If a person has already testified or presented evidence at the hearing and wishes to contradict testimony or evidence presented subsequently, that person is entitled to be heard again only at the discretion of the hearing officer who may authorize the person to provide an oral or written response, or both.
- I. Any party to the proceeding may file a written brief or memorandum with the hearing officer not later than 5 business days after the hearing's conclusion. The party shall serve a copy of any such written brief or memorandum on all other parties no later than the time the written brief or memorandum is filed with the hearing officer. No responsive or reply memorandum to such a brief or memorandum will be accepted without the specific authorization of the hearing officer.

Source: Miss. Code Ann. §23-15-169 (1972); P.L. 107-252 (2002).

Rule 2.7 Determination. A final determination on the complaint shall be made within 90 days of the Secretary of State's receipt of the complaint and must be in writing. This time period may only be extended on the written consent of the Complainant.

- A. The determination as to whether a Title III violation has been established shall be based on the preponderance of the evidence standard. The burden of proving by a preponderance of the evidence that a Title III violation exists shall be on the Complainant.
- B. The determination shall constitute a final and binding decision which is not appealable to any state or federal court.
- C. If it is found that there was a past, present or potential violation of Title III of HAVA, then the written determination shall state the facts of the violation, set forth the specific law violated and provide for a remedy. The remedy provided shall be directed to the improvement of processes or procedures governed by Title III. The principal remedy shall be written findings that a violation occurred and strategies or recommendations for ensuring that future violations do not occur.
- D. Any remedy provided for under this rule may not include any award of monetary damages, the payment of costs, penalties or attorneys' fees and may not include the invalidation of any vote, ballot, primary, special or general election result or the disqualification of any candidate.

- E. All final determinations shall be posted on the website of the Secretary of State (www.sos.ms.gov) and mailed to the Complainant, each Respondent and other interested persons who asked in writing to be advised of the final determination.

Source: Miss. Code Ann. §23-15-169 (1972); P.L. 107-252 (2002).

Rule 2.8 Alternative Dispute Resolution. The Secretary of State may, by written order, refer this matter at any time for alternative dispute resolution. In addition, if the Secretary of State or his designee does not render a final determination on a complaint filed under this rule within 90 days after the complaint is filed, or within any extension period to which the complainant has consented, the Secretary of State or his designee will, on or before the 5th business day after the final determination was due to be issued, by order initiate alternative dispute resolution. A copy of this order shall be provided to the Complainant and the Respondent.

The Secretary of State shall maintain a list of approved arbitrators to be used in these proceedings and from which arbitration panel members must be selected.

The written order provided for in this rule shall designate an arbitrator to serve on a panel to resolve the complaint. Within 3 business days after the Complainant receives this designation, the Complainant shall designate in writing to the Secretary of State the name of a second arbitrator. No later than 3 business days after designation by the Respondent of the second arbitrator, the two arbitrators so designated shall select a third arbitrator, to complete the panel.

As an alternative, the Secretary of State may retain a single, independent, professionally qualified person to act as an arbitrator, if the complainant consents in writing to his appointment as the arbitrator at the time of his appointment.

The arbitrator or arbitration panel may review the record compiled with the complaint, including the tape recording or any transcript of a hearing, if a hearing was requested and held, and any written or documentary evidence compiled by the Secretary of State's Office. The arbitrator or panel may request that the parties present additional briefs or memoranda. The arbitrator or panel may conduct the hearing as prescribed in Rule 2.6 if no such hearing was held.

The arbitrator, or arbitration panel by majority vote, shall determine the appropriate resolution of the complaint by majority vote.

The arbitrator or panel shall issue a written resolution within 60 days after the issuance of the written order required in this rule, which period shall not be extended. The final resolution shall be transmitted to the Secretary of State and shall be the final resolution of the complaint. The Secretary of State shall mail the final resolution of the arbitrator or panel to the Complainant, each Respondent and any other interested person who has asked in writing to be advised of the final determination. It shall also be published on the Secretary of State's website at www.sos.ms.gov.

The final determination of the arbitrator or arbitration panel is binding upon all the parties involved in the dispute and shall not be subject to appeal to any state or federal court.

Source: Miss. Code Ann. §23-15-169 (1972); P.L. 107-252 (2002).

Part 10 Chapter 3: Voting Information Requirements

Rule 3.1 Educational Poster. The appropriate State or local election official is required to publicly post voting information at each polling place on election day for federal office, pursuant to §302(b) of the Help America Vote Act of 2002.

SECTION 302(b) VOTING INFORMATION REQUIREMENTS-

- 1) **PUBLIC POSTING ON ELECTION DAY-** The appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.
- 2) **VOTING INFORMATION DEFINED-** In this section, the term ‘voting information’ means—
 - a) Information regarding the date of the election and the hours during which polling places will be open;
 - b) Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;
 - c) Instructions for mail-in registrants and first-time voters under section 303(b);
 - d) General information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and
 - e) General information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.

The attached educational poster (Exhibit A) must be displayed at all precincts during any election for federal, state, county, municipal, or other office or initiative. Further, local election officials, including political parties, must attach a sample ballot to the poster.

Source: Miss. Code Ann. §23-15-169.5 (1972); P.L. 107-252 (2002).

Part 10 Chapter 4: Assistance for Military and Overseas Voters

Rule 4.1 Definition. For the purpose of this chapter, “Mississippi armed services and overseas voters” shall mean:

- A. Armed forces and overseas voters if they have been called into active duty and are serving outside the State of Mississippi;
- B. Any member of the Army National Guard or Air National Guard who is a citizen of Mississippi and who has been mobilized or called to active duty outside the State of Mississippi, other than annual training or summer camp;

- C. Any member of the U.S. military reserve or Coast Guard reserve who is a citizen of Mississippi and who has been called to active duty outside the State of Mississippi, other than annual training or summer camp.
- D. Any Mississippi Citizen who has a United States Department of Defense identification number or is qualified to participate in the Federal Voting Assistance Program's Integrated Voting Alternative Site.

Source: Miss. Code Ann. § 23-15-673 (1972).

Rule 4.2 Voting Methods. Pursuant to current law, Mississippi armed services and overseas voters may:

- A. Use a duly executed federal postcard application (FPCA) (as provided in the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1972 ff et seq.) to register to vote, to request an absentee ballot or to do both simultaneously
- B. Use electronic facsimile (Fax) devices to transmit FPCA's or receive and/or transmit absentee ballots; and
- C. Use electronic mail (e-mail) to transmit FPCA's or receive and to transmit absentee ballots (P.L. 107-252 §702).
- D. Use the Federal Write-In Absentee Ballot (as provided in 42 U.S.C. 1973 ff 2) in all general, special, primary and run-off elections for local, state, and federal offices (Miss. Code Ann; and
- E. Be sent absentee ballots by the local voter registrar within 24 hours of receipt by the registrar of a proper application requesting same.

Source: Miss. Code Ann. §§ 23-15-677, 687, 692, 699 and §75-12-1 et seq. (1972).

Rule 4.3 Secretary of State's Exercise of Emergency Powers. Under the Secretary of State's authority to exercise emergency powers concerning both registration and absentee voting by Mississippi armed services and overseas voters, the Secretary of State promulgates the following:

- A. All county and municipal election commissions, party executive committees and voter registrars, as applicable to their respective elections duties, shall fax and accept all faxed voter registration applications, FPCA's and state or national mail-in applications to and from Mississippi armed services and overseas voters.
- B. The statutory voter registration deadline of 30 days in advance of an election is suspended for Mississippi armed forces and overseas voters and the deadline for voter registration for such voters shall be fourteen days in advance of the election in question. If such armed forces and overseas voters have been released from active duty on a date which is less than 30 days before the election, then such application must be accompanied by a copy of the registrant's DD214 or official orders indicating a release from active duty date which is less than 30 days before the election in which the voter decides to vote.
- C. All county and municipal election commissions, party executive committees and voter registrars, as applicable to their respective elections duties, shall receive and count, if otherwise valid, all mailed, faxed, or electronically mailed absentee ballots and federal

write-in ballots of Mississippi armed services and overseas voters which ballots are received after the statutory absentee ballot deadline but no later than 7:00 p.m. on election day.

This rule and exercise of emergency powers by the Secretary of State are effective in the following situations:

- A. When the President of the United States shall declare war or issue a declaration of war; or
- B. When the President of the United States shall declare a national emergency; or
- C. When the President of the United States shall call to active duty U.S. military reservists, and the Secretary of State shall determine that a substantial number of the activated military reservists are citizens of Mississippi; or
- D. When the Governor of the State of Mississippi shall declare a state or emergency; or
- E. When the Governor of the State of Mississippi or President of the United States shall mobilize or call to active duty members of the National Guard, and the Secretary of State shall determine that a substantial number of National Guard members who are citizens of Mississippi have been affected.

Source: Miss. Code Ann. §23-15-701 and §25-43-7 (1972).

Part 10 Chapter 5: Voter Rights

Rule 5.1 Affidavit Ballot Form. The Secretary of State is authorized to promulgate changes to the affidavit ballot form set forth in Miss. Code Ann. §23-15-573 (1972) in response to federal law changes.

The attached affidavit ballot envelope form found in Exhibit B complies with the Help America Vote Act.

Source: Miss. Code Ann. §23-15-574 (1972).

Rule 5.2 Instructions for Voters Casting Affidavit Ballots. In 2002, the U.S. Congress passed the Help America Vote Act, which provides for certain affidavit (provisional) balloting rules which apply to all federal elections, specifically,

SECTION 302(a) PROVISIONAL VOTING REQUIREMENTS- If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows:

- 1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.

- 2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is—
 - a) A registered voter in the jurisdiction in which the individual desires to vote; and
 - b) Eligible to vote in that election.
- 3) An election official at the polling place shall transmit the ballot cast by the individual or the voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).
- 4) If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote, the individual's provisional ballot shall be counted as a vote in that election in accordance with State law.
- 5)
 - a) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under subparagraph (b) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.
 - b) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.

The attached "Instructions for Voters Who Cast Affidavit Ballots" form (Exhibit C) must be given to all voters who cast affidavit ballots during any federal, state, county, municipal, or other election.

Each county registrar or county elections commission must certify to the Secretary of State's Office that they have implemented a free access system to notify any individual who casts an affidavit (provisional) ballot.

Mississippi must conform all affidavit ballot procedures to federal law.

Source: Miss. Code Ann. §23-15-169.5 (1972); P.L. 107-252 (2002).

Rule 5.3 Affidavit/Provisional Procedure for Unverified Voters who Cast Absentee Ballots by Mail. Under the Secretary of State's statutory authority to exercise administrative rules and regulations for the compliance of the State of Mississippi with the Help America Vote Act of 2002, the Secretary of State promulgates the following:

- A. All absentee ballots received from unverified voters shall be treated as affidavit/provisional ballots.

- B. Local election officials shall certify upon the mail-in registration form that the absentee voter was properly, legally registered and qualified to cast an absentee ballot by mail for the election (Exhibit D).
- C. Local election officials shall also provide “Instructions for Voters Who Cast Affidavit/Provisional Ballots” to the unverified voter so that he or she may ascertain if his or her ballot was counted and if not, why not.
- D. The Elections Commission will review the absentee ballot and mail-in registration form for accuracy and completeness in compliance with state law and this administrative procedure.
 - i. If in their review, the Elections Commission finds that the absentee ballot, absentee application, and the certification form were completed correctly, the Elections Commission shall count the affidavit/provisional absentee ballot as a regular absentee ballot in accordance with state law.
 - ii. If in their review, the Elections Commission finds that the absentee ballot, absentee application, or the certification form do not conform to the absentee voting provisions under state law; or, finds that the ballot fails for one of the specific reasons given in Miss. Code Ann. §25-15-641 (1972), the Elections Commission shall not count the ballot and shall compile a list of such ballots for notification as provided under Help America Vote Act of 2002, §302(a)(5). *[§302(a)(5) provides that local elections officials provide written instructions to be given to the affidavit/provisional voter to ascertain through a toll-free access system if his or her ballot counted and if not, why not.]*

Source: Miss. Code Ann. §23-15-169.5 (1972); P.L. 107-252 (2002).

Rule 5.4 Voter Initiative. “Constitutional Initiative in Mississippi: A Citizen’s Guide” is a handbook which explains Mississippi law allowing citizens to propose changes to the state constitution through the initiative process. This guide is available on the Secretary of State’s website at www.sos.ms.gov.

Source: Miss. Code Ann. §23-17-1 through §23-17-61 (1972).

Part 10 Chapter 6: Voting System Standards

Rule 6.1 Adding Contested Candidates to Official Ballot. In the event that a candidate has met the qualification deadline but has not been certified by the appropriate election officials, it is the policy of the Secretary of State’s Office to initially include the name of that candidate in the Statewide Elections Management System (SEMS) under the following condition:

Candidates who are known to be in the process of exercising their statutory right of appeal will be given the consideration of proceeding with the process of inputting the candidate information and building the database.

Candidates who are unknown or who did not exercise their statutory right of appeal will not be included on the ballot.

Immediately upon ruling from the appeal process, action must be taken by the appropriate election official to mark the candidate status in SEMS as *Certified* if the ruling is for their name to appear on the ballot, or *Withdrawn* if the name is to be stricken from the ballot. Depending on the timing of the ruling, additional modification and verification may need to be enacted in the GEMS database as well.

The integration between the Statewide Elections Management System (SEMS) and the TSX Voting System provides many advantages to both the counties and the State in creating the TSX database and documenting election results. In the ballot build process, it is easier and less time consuming to remove a candidate name from the ballot than it is to add a new candidate name in SEMS and the TSX system after the process of building the ballot is underway.

As with all ballot preparation and approval, it is the responsibility of the officials in charge of the election to ensure the accuracy of the final ballot product.

Source: Miss. Code Ann. § 23-15-169.5 (1972).

Rule 6.2 Diebold Optical Scanner System. The voting systems software shall be programmed based on functional requirements to facilitate a uniform manner in which “Election Results Reports” will be generated on Diebold Optical Scanners (OS units).

An “Election Results Report” is the summary tape which contains election vote totals. This report will be set in the Global Elections Management System (GEMS) database as the default report. A detailed report is available for printing from the GEMS server.

Source: Senate Bill 2857 (2004 Regular Session).

Part 10 Chapter 7: Voter Registration Policies and Procedures

Rule 7.1 Mail-in Voter Registration Form. All local registrars shall use a uniform voter registration form for registering citizens who register by mail. This voter registration form is provided on the Secretary of State’s website at www.sos.ms.gov.

Federal law requires the states to accept and use the mail-in voter registration application form described in the National Voter Registration Act (NVRA) for registration of voters in elections for federal office. Further, NVRA requires states to designate as voter registration agencies all offices that provide public assistance and offices that provide state-funded programs to persons with disabilities. These designated agencies are required to distribute with each application for assistance the mail-in voter registration application form described in the National Voter Registration Act.

Source: Miss. Code Ann. §23-15-47 (1972).

Rule 7.2 Disclosure of Personal Information. State law provides that copies of statewide, district, county or municipal voter registration files, excluding social security numbers, telephone numbers and date of birth and age information, shall be provided to any person in accordance

with the Mississippi Public Records Act of 1983 at a cost not to exceed the actual cost of production. The Secretary of State's Office also adheres to the Mississippi Public Records Act (See Miss. Code Ann. § 25-61-1 et seq.).

Based on state law, the following information will not be provided in response to public requests in order to prevent any kind of abuse of such information and/or identity theft:

- A. Voter number assigned by the county;
- B. Social Security Number;
- C. Date of Birth;
- D. Driver's license number;
- E. Any telephone, Fax, or E-mail information on file;
- F. Any custom fields;
- G. Last jury date

Any voter registration data provided shall not be used for the purpose of mailing or delivering any solicitation for money, services, or anything of value. This policy is used by many other states to protect voters from unwanted commercial solicitations.

Cost: \$100 set-up fee for all electronic data SEMS requests plus additional costs as listed below. Payment is required upon delivery.

Additional Costs (does not include set-up fee):

- A. County, county district, municipal or municipal district office: \$250
- B. State legislative district, Judicial district (Chancery or Circuit Court, District Attorney), or comparable office involving more than one county that does not fall into the next tier: \$500
- C. Congressional district, Supreme Court district, Court of Appeals district: \$1,000
- D. Statewide list: \$2,000

Purchase includes one free update within one calendar year upon request. Any 2006 purchaser of a voter file from the Secretary of State's Office may request one free update at no charge in 2007.

Proposed Voter File Information to be provided upon request in accordance with official policies: A comma separated value (CSV) text file format will include data elements listed below, in the order these columns will be placed in the file. If a voter record does not have a value for a specific data element, the column will be empty.

Sr Num	Column Name	Column Header	Description
1	First Name	First Name	First name of the voter
2	Middle Name	Middle Name	Middle name of the voter
3	Last Name	Last Name	Last name of the voter
4	Suffix	Suffix	Suffix of the voter
5	Residence Address	Residence Address	Residence address of the voter. For standard of non-standard addresses, this will be a String-

			concatenated value
6	Residence City	Residence City	City of the voter's residence address
7	Residence State	Residence State	Residence State of the voter's residence address (always "MS")
8	Residence Zip	Residence Zip	Zip (and Zip Plus where available) of voter's residence address
9	Residence County	County of Residence	County that the voter record belongs to
10	Mailing Address	Mailing Address	Mailing address of the voter
11	Mailing City	Mailing City	City of the voter's mailing address
12	Mailing State	Mailing State	State of the voter mailing address
13	Mailing Zip	Mailing Zip	Zip (and Zip Plus where available) of voter's mailing address
14	Registration Date	Registration Date	Date of Registration of the voter record in mm/dd/yyyy format
15	Registration Source	Registration Source	Source of Registration of the voter's record
16	Voter Status	Voter Status	Status of the voter (i.e., Active, Inactive, Pending, or Purged)
17	Last Vote Date	Last Vote Date	Date last voted of the voter in mm/dd/yyyy format
18	Selected Districts	District type code	The number of these columns will depend on the number of districts selected for output. Each of these columns will have the district type code (example SEN for Senate) in the header and the district code (like 45, 4, etc.) in the voter record row.
19	Voting Dates with Party Code	Vote Date	This section will have the Voting History (dates of the elections they voted in) for the voter, in descending order (latest voted date first). If the election date is for a primary election, the party code will be attached to the voted date in parentheses (example 06/06/2006 (DEM)). Each voter can have a different number of such columns depending upon the number of time they had voted during the specified date range.

Source: Miss. Code Ann. § 23-15-165 (1972).

Rule 7.3 Statewide Elections Management System. A uniform voter registration form (Exhibit E) shall be used by all local registrars for registering citizens who enter the registrar's office for use with the Statewide Elections Management System (SEMS). The form is available on the Secretary of State's website at www.sos.ms.gov.

Source: Miss. Code Ann. §23-15-169.5 (1972); §23-15-39(1), as amended.

Part 10 Chapter 8: Election Policies and Information

Rule 8.1 Mississippi Guide to Elections. Mississippi Guide to Elections is a comprehensive guide to the election process in Mississippi which is forwarded to all Circuit Clerks and Municipal Clerks, County Election Commissions and State Party Executive Chairs for their reference needs.

Source: Miss. Code Ann. §23-15-1 through §23-15-1111 (1972).

Rule 8.2 Voter Identification for Unverified Voters. On election day, poll workers must require unverified voters to present one of the following forms of identification:

1. A current and valid photo identification; or
2. A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

Unverified voters who do not present identification as required under HAVA may cast an affidavit (provisional) ballot.

Source: Miss. Code Ann. §23-15-169.5 (1972); P.L. 107-252 (2002).

Rule 8.3 Ballot Bags. The term “ballot box” includes any ballot bag or container of a type that has been approved for use in elections by the Secretary of State. Such ballot bags or containers may be used for any purpose for which a ballot box may be used under the provisions of law regulating elections in Mississippi or any other purpose authorized by the rules and regulations adopted by the Secretary of State.

Ballot bag specifications:

- A. All ballot bags utilized in an election must be comprised of a sufficient material and security system so as to prevent ballots from being tampered with before, during or after the conduct of the election.
- B. Procedures which document the chain-of-custody of the bag and the tracking of seals used each time the bag is opened must be incorporated into the use of the ballot bag.
- C. Additionally, all ballot containers must be compliant with the security, confidentiality and integrity requirements of the Help America Vote Act of 2002.

Source: Miss. Code Ann. §23-15-3 (1972); Senate Bill 2829 (2007 Regular Session).

Rule 8.4 County Election Commissioner Compensation. A per diem claim form (Exhibit F) is to be used by commissioners and provides that each commissioner sign an oath to be notarized to the effect that they are reporting correct time worked and also that the commission chairman sign verifying the accuracy of the commissioner’s reported title.

Source: HB 685 (2001).

STATE OF MISSISSIPPI VOTER INFORMATION

POLL HOURS OPEN 7AM - 7PM
(Miss. Code Ann. §23-15-541)

INSTRUCTIONS FOR FIRST TIME VOTERS WHO REGISTERED BY MAIL

If you registered to vote by mail after January 1, 2003, did not submit a copy of the required identification with the application, and are voting in an election for the first time.

YOU ARE REQUIRED TO SUBMIT ONE OF THE FOLLOWING FORMS OF IDENTIFICATION:

- Valid drivers license or photo identification;
- Current utility bill with voter's name and address;
- Current bank statement with the voter's name and address;
- Current government check with the voter's name and address;
- Current paycheck or stub with the voter's name and address; or,
- Other government document with the voter's name and address.

If you do not present a required form of identification, you may cast an affidavit ballot.

VOTER'S RIGHTS: FEDERAL AND STATE LAWS

- Any Mississippi resident who is a qualified elector is entitled to vote in this election regardless of race or physical ability with no literacy tests employed.
- No one may refuse a person to vote who is entitled to cast a ballot.
- No voter shall be threatened, intimidated, or coerced for voting by any person. (Miss. Code Ann. §97-13-37, 39)
- Voters whose names do not appear on the poll list or do not have proper identification may vote by affidavit ballot.
- Voters who cast an affidavit ballot are entitled to written information at the time of voting on how to determine if the vote was counted and, if not, why.
- Voters who require assistance due to blindness, disability or inability to read may receive assistance from a person of the voter's choice. (Miss. Code Ann. §23-15-549)

Voters are entitled to skip races listed on the ballot if they choose not to vote on or in the contest.

- Voters can submit a formal complaint regarding alleged violations that have occurred, are occurring, or are about to occur through the Secretary of State's Administrative Complaint Procedure. Alleged violations include, but not limited to, improper voting systems, inaccessibility for these persons with disabilities, and false voter registration.
- Voters in line by 7PM will be allowed to cast a ballot.

VOTING PROCESS

- When requesting a ballot the voter states his/her name.
- The election official will mark the voter's name on list to give them credit for voting and ask that the voter sign the receipt book. (Miss. Code Ann. §23-15-541, 545)
- If the election being conducted is a primary election, the voter must tell the election official in which party's primary he/she wishes to vote. (Miss. Code Ann. 23-15-575)
- The election official will then direct the voter to a voting booth where he/she may cast their ballot in secrecy. (Miss. Code Ann. §97-13-11)
- The voter is given a maximum of 10 minutes in the voting booth if there is no line, and no longer than 5 minutes if other voters are waiting. (Miss. Code Ann. §23-15-455)
- Voters may not re-enter voting booth after casting ballot. (Miss. Code Ann. §23-15-435)
- Voters who are not permitted to vote may cast an affidavit ballot at the polling place as provided by law.
- Casting an Affidavit Provisional Ballot
 - A person claiming to be properly registered in the county and precinct, but whose eligibility to vote at that location cannot be determined, shall be allowed to cast an affidavit ballot as provided by law. (Miss. Code Ann. §23-15-573)
- Election officers in the polling place shall warn the voter who wishes to cast an affidavit ballot that some or all of their votes may not count if he/she votes at the wrong polling place.
- The voter will then be given a ballot and allowed to vote in secrecy. (Miss. Code Ann. §97-13-41)
- After completion of the ballot, it shall be placed in an affidavit ballot envelope, sealed, specified on the envelope why the ballot is challenged, and signed by the voter.
- An information sheet will be given to the voter on how to determine whether or not his/her ballot was counted, and if not counted, then the reason for elimination.
- Prohibitions, Fraud & Misrepresentation
 - No person shall attempt to vote more than once in any election. (Miss. Code Ann. §97-13-35)
 - No person shall attempt to vote in the name of another person. (Miss. Code Ann. §97-13-23)
 - No person shall change or alter another person's ballot. (Miss. Code Ann. §97-13-99)
 - No person shall make nor accept a bribe for voting against a candidate or measure. (Miss. Code Ann. §97-13-1, 3)
 - No person shall distribute any type of literature within 150 feet of the entrance to the polling place. This includes wearing items that display candidate information. (Miss. Code Ann. §23-15-895)
- Contact Information
 - County Circuit Clerk's Office - please ask election workers
 - County Election Commission - please ask election workers
 - Local District Attorney - please consult local phone book
 - Attorney General's Office - (601) 359-4250
 - U.S. Justice Department - (800) 233-3931
 - Secretary of State's Office - (800) 878-6786.

Here

Ballot

Sample

Distributed by the Mississippi Secretary of State's Office for display in all polling places during all elections.

Exhibit B

AFFIDAVIT BALLOT		
1. VOTER INFORMATION <i>(to be completed by voter):</i>		
Printed name of voter	Maiden name, if applicable	
Date of birth	*MS Drivers License #	Daytime phone #
New (current) Street Address <i>(NO P.O.'s)</i>		City & Zip Code
Old (previous) Street Address <i>(NO P.O.'s)</i>		City & Zip Code
Current Mailing Address		City & Zip Code
Did you recently register to vote in this county? ____ Yes ____ No *If you do not have a Mississippi driver's license, then provide the last 4 digits of your Social Security Number.		
AFFIDAVIT OF VOTER This day I personally appeared before the undersigned manager of the election and make the following affidavit, under penalty of law <i>(check as applicable)</i> :		
<input type="checkbox"/> I am not registered to vote because I have been illegally denied registration; or,		
I am eligible to vote in this election; I am a resident of this precinct and lawfully registered to vote in this county at least 30 days prior to this date, and:		
<input type="checkbox"/> I have moved recently from the old street address written above to the new address written above; or,		
<input type="checkbox"/> I have <i>not</i> moved recently, but my name is not on the pollbook; or,		
<input type="checkbox"/> I do not otherwise qualify under state or federal law to cast a <i>regular election day ballot</i> .		
<div style="display: flex; justify-content: space-between;"> X </div>		
Signature of Voter		Date
<div style="display: flex; justify-content: space-between;"> X </div>		
Signature of Poll Manager (Poll Manager: Be sure to complete Poll Manager Information on other side of this envelope.)		
NOTICE TO VOTER: <ul style="list-style-type: none"> Be sure you have read and completed all areas printed above, and that you have signed the affidavit. You are entitled to receive written information on how to learn if your affidavit ballot was counted, and if not, the reason it was not counted. 		

Exhibit B (continued)

2. POLL MANAGER <i>(sign on other side)</i> Election: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Special _____, 2____ County of _____ (Date) Reason for Affidavit Ballot <input type="checkbox"/> Voter's name not on pollbook <input type="checkbox"/> Pollbook shows message requiring voter to show I.D. and voter did not have I.D. <input type="checkbox"/> Voter's name on inactive list Date of Election: _____ Ballot issued from _____ Precinct/subprecinct and/or precinct # _____ Comments: _____
3. FOR OFFICE USE ONLY <i>(for Election Commissions or Party Executive Committees)</i> Registered in Precinct _____ (name of precinct) Voted in Precinct _____ (name of precinct) <input type="checkbox"/> Not registered and no evidence of registration <input type="checkbox"/> Inactive list <input type="checkbox"/> Registered too late <input type="checkbox"/> Moved within county and same congressional dist. <input type="checkbox"/> Moved within county to different congressional dist. <input type="checkbox"/> Voter reg. app. found but name not on pollbook <input type="checkbox"/> Voter required to vote affidavit in lieu of ID OTHER: _____
Final Action Taken on Affidavit Ballot: <input type="checkbox"/> APPROVED FOR COUNTING <input type="checkbox"/> NOT APPROVED FOR COUNTING Follow-Up Action Taken: <input type="checkbox"/> Address changed/updated in Voter rolls <input type="checkbox"/> Voter's name restored to rolls <input type="checkbox"/> Information forwarded to municipality <input type="checkbox"/> Information forwarded to county <input type="checkbox"/> Mail-in voter registration sent to voter <input type="checkbox"/> Information requested from voter OTHER: _____

INSTRUCTIONS FOR VOTERS WHO CAST AFFIDAVIT BALLOTS

You have had to cast an affidavit ballot because you certified that:

I am not registered to vote because I have been illegally denied registration; **or,**

I am eligible to vote in this election; I am a resident of this precinct and lawfully registered to vote in this county at least 30 days prior to this date, and:

I have moved recently from the old street address written above to the new address written above; **or,**

I have *not* moved recently, but my name is not on the pollbook; **or,**

I do not otherwise qualify under state or federal law to cast a *regular election day ballot*.

Under new federal law, the Help America Vote Act of 2002, you are entitled to discover the disposition of your affidavit ballot. Please contact your county party executive committee to determine whether your affidavit ballot counted and if not why not. The county party executive committee can be reached at:

CONTACT: _____

(Name of County Executive Committee Chair or Elections Commissioner)

PHONE: _____

Exhibit D

MISSISSIPPI VOTER REGISTRATION APPLICATION

IMPORTANT!

- If you are not registered to vote where you now live, you can use this form to register to vote or report that your name or address has changed.
- If you have questions call your county Circuit Clerk or call the Secretary of State at 1-800-829-6786.
- Complete all sections of this form, then mail or hand deliver it to your county Circuit Clerk AT LEAST 30 days before the election in which you want to vote.
- If you are qualified and the information on your form is complete, you will be mailed a voter card that tells you where to vote.

Section I. APPLICATION TO REGISTER TO VOTE

Please select one of the following: New Registration ☐ Change of Information ☐

- 1) Are you a citizen of the United States of America? Yes ☐ No ☐ *NOTE: If you checked "No" in response to questions 1 or 2, do not complete this form.*
- 2) Will you be 18 years of age on or before election day? Yes ☐ No ☐
- 3) Would you like to serve as an Election Day Poll Worker? Yes ☐ No ☐

CIRCLE Mr. Mrs. Miss Ms.	Last Name:	First Name:	Middle/Maiden Name:	Suffix: (JR, II)
Physical Home Address (Number & Street/Road/Dorm/Apt. or Lot #):		City:	County:	State: MS Zip:
Mailing Address (If different from above, include zip code):			Date of Birth:	
Driver's License Number (If you do not have a driver's license, then list the last 4 digits of your Social Security Number): ***				

*****Identification Requirement:** If you do not have a driver's license or social security number, and this form is submitted by mail, and you have never registered to vote in the county you are now registering in, you must send, with this application, either a) a copy of current and valid photo identification, or b) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. If you do not provide the information requested above, you will be required to provide to election officials either (a) or (b) above the first time you vote after January 1, 2004 at a voting place or by absentee ballot.

Section II. IF YOU WERE PREVIOUSLY REGISTERED UNDER A DIFFERENT NAME OR ADDRESS. LIST THAT NAME OR ADDRESS

CIRCLE Mr. Mrs. Miss Ms.	Last Name:	First Name:	Middle/Maiden Name:	Suffix: (JR, II)
Previous Address (Number & Street/Road/Dorm/Apt. or Lot #):				
Previous City:		Previous County:	Previous State:	Previous Zip:

Section III. VOTER DECLARATION- Read and Sign

I swear/affirm that: I am a U.S. citizen. I will have lived in this state and county for at least 30 days before voting, and if a resident of a municipality, I will have lived in the municipality for at least 30 days before voting. I have never been convicted of murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement, or bigamy, or I have had my rights restored as required by law. I have not been declared mentally incompetent by a court. Furthermore, I certify that I am at least eighteen (18) years old (or I will be before the next general election), the information given by me is true and correct and that I have truly answered all questions on this application for registration, and that I will faithfully support the Constitution of the United States and of the State of Mississippi, and will bear true faith and allegiance to the same.

X _____
Signature (or mark) of applicant

Date: _____

X _____
If applicant is unable to sign, the person who helped to fill out this application is required to sign.

Date: _____

Daytime phone number(s) where applicant can be reached

WARNING: False registration is a felony. The penalty for conviction of false registration is imprisonment for not more than five (5) years or a fine of not more than five thousand dollars (\$5000), or both.

For Office Use Only

07/2004

Exhibit E

MISSISSIPPI VOTER REGISTRATION

1. Are you a citizen of the United States Of America ? ☐ Yes ☐ No
2. Will you be 18 years of age on or before Election Day ? ☐ Yes ☐ No
3. (Optional) Would you like to serve as Election Day Poll Worker ? ☐ Yes ☐ No

If you checked "NO" in response to questions 1 or 2, DO NOT COMPLETE THIS FORM.

Personal Information :

Name	Last	First	Middle	Maiden
Home/Residence / 911 address				
City				
ZIP				
Date of Birth	Contact Number	County of Residence		

Mailing Address (If different from home address - ex: P.O.Box)

Required Information Mississippi Driver's License Number (If you do not have a MS driver's License, then provide the last 4 digits of your Social Security Number)	Optional Information Home # Work # Cell # EMail
---	--

Previous Address (including out of State)

Declaration and Affidavit :

I swear/affirm that : I have never been convicted of a disenfranchising crime have had my rights restored as required by law. I have not been declared incompetent by a court. Furthermore, I certify that I have truly answered all questions on this application for registration, and that I will faithfully support Constitution of the United States and of the State of Mississippi, and will bear faith and allegiance to the same.

Signature (or mark) of applicant	Date
If applicant is unable to sign, the person who assisted the applicant must sign above.	Date

False registration is a felony. The penalty for conviction of false registration is imprisonment for not more than five (5) years or a fine not more than five thousand dollars (\$5,000) , or both.

INSTRUCTIONS

You may use this form to :

- > Register to vote.
- > Change your registration information (i.e., mailing address, name, residence address).

You must :

- > Complete all sections of this form
- > Sign the form
- > Mail or hand deliver this form to your County Circuit Clerk **AT LEAST 30 DAYS** before the election.

If you are qualified and the information on your form is complete, Your County Circuit Clerk will mail a voter registration card that tells you where to vote.

*** Identification Requirement:***

If you do not have a driver's license or social security number, and this form is submitted by mail, and you have never registered to vote in the county you are now registering in, you must send with this application, either :

- a) a copy of current and valid photo identification; or
- b) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address.

If you do not provide the information requested above, you may be required to provide to election officials either (a) or (b) above the first time you vote after January 1, 2004 at a voting place or by absentee ballot.

Disenfranchising Crimes : Under state law, if you have been convicted of committing one or the following crimes your right to vote has been revoked: Arson, Armed Robbery, Bigamy, Bribery, Embezzlement, Extortion, Felony Bad Check, Felony Shoplifting, Forgery, Larceny, Murder, Obtaining Money or Goods under False Pretense, Perjury, Rape, Receiving Stolen Property, Robbery, Theft, Timber Larceny, Unlawful Taking of Motor Vehicle, Statutory Rape, or Carjacking.



Secretary of State

Eric Clark

Elections Division

401 Mississippi Street

Jackson, Mississippi 39205

www.sos.state.ms.us
elections@sos.state.ms.us

Hotline

(800) 829-6786

DATE WORKED	BEGINNING TIME	ENDING TIME	PURPOSE OF WORK	APPLICABLE MS CODE SECTION	ACTUAL HOURS WORKED	PER DIEM DAYS EARNED
----------------	-------------------	----------------	-----------------	----------------------------------	---------------------------	----------------------------

[illegible]

X	\$70.00
\$	

(SIGNATURE OF ELECTION COMMISSIONER)

(DATE)

BY

I hereby assert that I have verified and approved as accurate the above information.

(SIGNATURE OF CHAIRMAN OF THE COUNTY ELECTION COMMISSION)

(DATE)